

1937

c 270 Planning and Development Act

Ontario

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CHAPTER 270.

The Planning and Development Act.

Interpretation.

1. In this Act,—

"Urban zone."

(a) "Urban zone" shall, subject to the provisions of section 3, mean,

(i) in the case of a city, the area within five miles of said city, but exclusive of any part of another city;

(ii) in the case of a town, the area within three miles of said town, but exclusive of any part of a city or other town;

(iii) in the case of a village, the area within three miles of such village, exclusive of any part of a city or town or other village;

Part of municipality.

(b) Where part of a town or village is within the urban zone of a city, or part of a village is within the urban zone of a town, the whole of such town or village shall be deemed to be within the urban zone of such city or town, as the case may be;

"Joint urban zone."

(c) "Joint urban zone" shall mean an area included within the urban zones, as herein defined, of two or more municipalities; a joint urban zone shall be deemed to adjoin a city, town or village whenever any part of such joint urban zone is included in the urban zone of such city, town or village;

"Board."

(d) "Board" shall mean Ontario Municipal Board. R.S.O. 1927, c 236, s. 1.

Application of Act.

2. This Act shall apply to lands within cities, towns and villages and the urban zones as above defined surrounding the same. R.S.O. 1927, c. 236, s. 2.

Variation of urban zone.

3.—(1) Where any urban municipality desires to vary the urban zone surrounding it from that as above defined, it may file with the Board a plan certified by an Ontario land surveyor, showing the area adjoining such municipality which it desires to include in its urban zone, and such plan may, with the approval of the Board, and notwithstanding the provisions

of section 1, include a greater or less area than those mentioned in section 1.

(2) Such plan may, with the approval of the Board, be altered or amended from time to time, and the size, form or location of the area shown therein may, subject to such approval, be enlarged, reduced, changed or altered. Alteration of plan.

(3) Notice of every application to the Board for approval of such plan or any amendment of the same, together with a copy of every such plan, shall be served on every municipality within which, or within the urban zone of which, is situated any part of the area shown on any such plan. Service of notice of application to Board.

(4) The Board shall hear any of such municipalities desiring to be heard and may approve any such plan or require the same to be changed, altered or amended before approving thereof. Hearing.

(5) In giving consideration to such plans, the Board may have regard to making the urban and joint urban zones of adjoining or neighbouring municipalities conform to one another so far as desirable in the opinion of the Board. What Board may consider.

(6) Upon the approval of any such plan by the Board, such urban municipality shall file the same in the proper registry or land titles office. Registration of plans.

(7) In the case of any municipality securing the approval of any such plan or amendment, the area shown thereon shall constitute the urban zone of such municipality, provided, however, that the whole or any part of such area may be included in a joint urban zone under this Act. Plan approved to be urban zone.

(8) A copy of such plan, and of any plan amending the same, as approved by the Board, shall be filed by the municipality propounding it with the clerk of the city, town or village, and with the clerk of any municipality within which is situate such urban zone or any part thereof, and also with the Board, and in the case of a joint urban zone, a copy of said plan shall also be filed by the municipality propounding it with the clerk of each of the municipalities which such joint urban zone adjoins, and such plans shall be open to inspection without fee, by any person, at all reasonable times. R.S.O. 1927, c. 236, s. 3. Filing of copies of plan with municipal clerks.

4.—(1) The council of a city, town or village may procure to be made for adoption by it a general plan of such city, town or village, and the urban zone adjoining it; or of such portion of the same as such council may deem expedient. General plan of municipality and urban zone.

What plan
to show.

(2) Such plan shall show all existing highways and any widening, extension or relocation of the same which may be deemed advisable, and also all proposed highways, parkways, boulevards, parks, play grounds and other public grounds or public improvements, and shall be certified by an Ontario land surveyor.

Amendment.

(3) Such plan may, subject to the approval of the Board, be amended, changed or extended from time to time by the council as it may deem expedient.

Approval of
Board before
adoption
by council.

(4) Such general plan, and any plan amending the same, shall be approved by the Board before being finally adopted by the council of such city, town or village, and upon the application to the Board for such approval, the council of all municipalities concerned shall, after notice to them, be entitled to be heard by counsel or agent.

Changes by
Board.

(5) Upon such application, the Board shall have power to order such changes to be made in such plan as it may deem necessary or proper.

Filing of
approved
plan with
municipal
clerks.

(6) A copy of such general plan, and of any plan amending the same, as approved by the Board and adopted by the council, shall be filed by the municipality propounding it with the clerk of the city, town or village, and with the clerk of any municipality within which is situate such urban zone or any part thereof, and also with the Board, and in the case of a joint urban zone, a copy of said plan shall also be filed by the municipality propounding it with the clerk of each of the urban municipalities which such joint urban zone adjoins, and such plans shall be open to inspection without fee, by any person at all reasonable times.

Registra-
tion.

(7) Upon the approval of any such plan by the Board, such urban municipality shall file the same in the proper registry or land titles office. R.S.O. 1927, c. 236, s. 4.

Approval of
plans of
survey and
subdivision
before
registration.

5.—(1) No plan of survey and subdivision of land within a city, town or village shall be registered unless it has been approved by the council of such city, town or village, or by the Board.

Land in
urban zone.

(2) No plan of survey and subdivision of land within an urban zone or joint urban zone shall be registered unless it has been approved by the council of each municipality within which any part of such land is situate, and by the council of any city, town or village which such urban zone or joint urban zone adjoins, or by the Board.

(3) No plan of survey and subdivision of land abutting on a highway of a less width than sixty-six feet, or upon which there is laid out a street of a less width than sixty-six feet, shall be registered unless it has been approved by the proper municipal council or councils and by the Board. R.S.O. 1927, c. 236, s. 5 (1-3).

Land
abutting
narrow
highway.

(4) Any public or private street, way, lane or alley or block, tract or lot, being the only access to a lot or lots laid down on a plan of survey and subdivision, shall, for the purposes of this section, be deemed to be a street or highway. 1929, c. 61, s. 2.

Private
street, lane,
etc., deemed
highway.

(5) No lot laid down on a plan of survey and subdivision of land which has not been approved as in this section required, shall be sold or conveyed by a description referring to such plan or to the lot as laid down on such plan.

No sale
pending
approval.

(6) This section shall apply to all plans of survey and subdivision of land not registered, whether such plans were made before or after the time of the passing of this Act. R.S.O. 1927, c. 236, s. 5 (4, 5).

Application
of section.

(7) Any person surveying and subdividing into lots any land situated within the boundaries of any city, town or village or of any township within an urban zone shall pay to the treasurer of such city, town or village or of such township at the time of the application for the approval of the council thereof a fee of five cents per foot frontage for all land surveyed and subdivided by such plan and fronting upon any highway already existing or laid out upon such plan, and the council may withhold its approval of such plan until payment of the proper fees payable hereunder. R.S.O. 1927, c. 236, s. 5 (6); 1933, c. 46, s. 2.

Fee to be
paid to city
on approval
of plan.

(8) In the event of any dispute as to the amount of fees payable under subsection 7, the same shall be referred to the Board, whose determination with relation thereto shall be final and binding. R.S.O. 1927, c. 236, s. 5 (7).

Disputes as
to amount
of fees.

6.—(1) Where any person is desirous of surveying and subdividing into lots, with a view to the registration of a plan of survey and subdivision, a tract of land situate in any city, town or village, or in any urban zone or joint urban zone, the following proceedings shall be had and taken:

Procedure
for registra-
tion of plan
of survey
and sub-
division.

- (a) Such person shall submit a plan, certified by an Ontario land surveyor, of the proposed survey and subdivision to the council of such city, town or village, and also where the land is situate within an urban zone, to the council of each municipality within which any part of the land is situate.

- (b) Where any part of such land is within a joint urban zone, such plan shall also be submitted to the council of every municipality whose urban zone includes such land or any portion thereof.
- (c) The council of every municipality to which the plan is submitted shall, within four weeks from the date of the receipt thereof, approve the plan or notify in writing the person submitting the same and the Board of its reasons for not approving the same.
- (d) If such approval be not given within the time specified in clause c, the person submitting the plan may apply to the Board for its approval and every party and municipality interested shall be notified of the application by such person, and shall be entitled to be heard at the hearing of the application by the Board.
- (e) The board, in determining such application, may approve or refuse to approve such plan, and shall have power to order such changes to be made in such plan as to the Board may seem necessary or proper. R.S.O. 1927, c. 236, s. 6.

Case of land
in urban
zone of city
over 200,000.

(2) Where the tract of land is situate in the urban zone or joint urban zone of a city having a population of not less than 200,000, it shall only be necessary to submit the plan of survey and subdivision to the council of such city and to the council of the municipality in which the tract of land is situate, and the provisions of clauses c, d and e of subsection 1 shall apply. 1929, c. 61, s. 3.

Matters to
be consider-
ed by the
council or
Board.

7. In the consideration of such plan by the council of any municipality or by the Board, regard shall be had to the following matters,—

- (a) where the land is situate in a city, town or village,—
 - (i) the number and width of the highways;
 - (ii) the size and form of the lots;
 - (iii) making the subdivision conform, as far as practicable, to any general plan adopted as aforesaid; or where no such general plan has been adopted, making it conform as far as practicable and desirable to the plan upon which the surrounding or adjacent lands and highways have been laid out;

- (iv) what other lands, if any, are related to the land in such plan within the meaning of section 8;
- (b) where the land is situate within an urban zone,—
 - (i) the proximity of the land to any city, town or village adjoining such urban zone;
 - (ii) the probability of the limits of such city, town or village being extended so as to include it;
 - (iii) the number and width of the highways shown in said plan, and the providing of adequate driveways and thoroughfares connecting such city, town or village with the urban zone;
 - (iv) making the subdivision conform, as far as practicable, to such general plan adopted as afore-said, or if no such general plan has been adopted, making it conform, as far as practicable and desirable, to the plan on which that part of the city, town or village nearest to the land is laid out;
 - (v) the size and form of the lots;
 - (vi) what other lands, if any, are related to the land in such plan within the meaning of section 8;
- (c) where the land is situate in a city, town or village, or within an urban zone,—
 - (i) whether the land shown upon such plan is unfit, either wholly or in part, for building purposes, or is low-lying or swamp land or land which cannot be seweraged or drained or which can be seweraged or drained only at an excessive cost.

R.S.O. 1927, c. 236, s. 7.

8.—(1) Where the plan submitted is of land which is so related to other lands in the vicinity, whether owned by the same or different owners, that it is expedient that all such lands should be treated as one entire parcel for the purposes of subdivision under this Act, the owners of all such lands may be notified to attend before the council or before the Board, as the case may be, at the hearing of any application for the approval of such plan, and any agreement in writing or plan for the subdivision of such lands made or adopted by the owners of such lands, or any part of them, and approved by the councils of the municipalities concerned, or by the Board, as the case may be, shall be registered in the proper land titles office or in the registry office for the registry

Agreement
among
owners as to
subdivision
of lands
or plan.

division in which such lands, or any of them, are situate, and thereafter no plan of subdivision of such lands, or of any part of them, shall be registered unless it is in accordance with such agreement or plan.

Alteration
of agree-
ment or
plan.

(2) Such agreement or plan may be altered from time to time by the parties thereto or their representatives or successors in title, with the approval of the councils concerned, or of the Board, if the owners of all the lands embraced in the agreement or shown on the plan assent to such alteration.

Rights of
mortgagees.

(3) No such agreement or plan for the subdivision of lands shall be binding upon any prior mortgagee of such lands, or of any part of them, except with the consent of such mortgagee. R.S.O. 1927, c. 236, s. 8.

Restrictions
on sale or
mortgage by
metes and
bounds of
lands abut-
ting on
highway
less than
66 feet.

9.—(1) In the case of a tract of land within a city, town or village, or in an urban or joint urban zone, which has not been subdivided according to a plan approved under this Act, no part of it which abuts upon a highway of a less width than sixty-six feet, or which is situate within a distance of thirty-three feet from the centre line of any such highway, shall be severed from said tract and sold under a description by metes and bounds or otherwise without the approval of the proper municipal council or councils or of the Board, and no agreement for sale, deed of conveyance or mortgage in fee of such part of said tract shall be registered without the approval of such council or councils or of the Board; provided that this subsection shall not apply to sales or mortgages of land according to a plan of survey and subdivision registered in the proper registry or land titles office prior to the coming into force of this Act, and provided further that this subsection shall not apply in the case of a highway less than sixty-six feet in width heretofore or hereafter laid out in unorganized territory in accordance with the directions or regulations of the Department of Lands and Forests.

Powers of
registrar or
master of
titles.

(2) Upon tender for registration of any agreement for sale, deed or mortgage to which the provisions of subsection 1 may apply and which has not been so approved by the proper municipal council or councils or the Board, the registrar of the proper registry division, or the proper master of titles, as the case may be, may, before registering the same, require satisfactory proof by certificate of an Ontario land surveyor, or otherwise, that no part of the lands described in such agreement, deed or mortgage abuts upon a highway of a less width than sixty-six feet or is situate within thirty-three feet of the centre line of any such highway.

(3) Upon any application for the Board's approval under this section, the Board, before disposing thereof, may require that any such tract of land or any part or parts thereof shall be surveyed and subdivided into lots, and that a plan of such survey and subdivision shall be approved under this Act and registered in accordance with *The Registry Act* or *The Land Titles Act*.

Board may require survey and subdivision.

Rev. Stat. cc. 170, 174.

(4) In case the only access to any such tract or any part thereof so severed, sold, conveyed or mortgaged be a public or private street, way, lane or alley, then such street, way, lane or alley shall, for the purposes of this section, be deemed a highway.

When private streets to be deemed highway.

(5) The proper municipal council or councils shall, for the purposes of this section and of section 10, be the council of any city, town or village in which the lands or any part of same are situate, and in the case of lands situate in an urban zone or joint urban zone, such councils shall be the council of the municipality within which any part of such lands is situate, and also the council of every city, town or village which such urban zone or joint urban zone adjoins.

Proper council to be council with-in meaning of Act.

(6) The provisions of clauses *c*, *d* and *e* of subsection 1 of section 6 shall *mutatis mutandis* apply to the approval of any such severance and sale, agreement for sale, deed of conveyance or mortgage in fee. R.S.O. 1927, c. 236, s. 9.

Procedure.

10.—(1) Approval of a plan, severance, sale, agreement for sale, deed or mortgage by a municipal council or by the Board shall be indicated by a certificate to that effect upon such plan, agreement, deed or mortgage, or upon the document evidencing such severance and sale, signed by the clerk or secretary respectively, and authenticated by the seal of the municipal corporation or Board, as the case may be; any such approval by a town planning commission shall be indicated by a certificate as aforesaid signed by the chairman, and authenticated by the seal of the commission.

Approval of council or Board—how given.

(2) Every person, except a registrar, master of titles or other officer when entitled by law so to do, who alters, changes or defaces any such plan, agreement, deed or mortgage or document evidencing any such severance and sale, after the same has been approved by a municipal council or town-planning commission, or by the Board, shall incur a penalty of not more than \$200 recoverable under *The Summary Convictions Act*. R.S.O. 1927, c. 236, s. 10.

Penalty for alteration after approval.

Rev. Stat. c. 136.

Widening
etc. of high-
way under
jurisdiction
of county
council or
highway
commission.

11. Where any plan or agreement prepared or made under this Act provides for the widening, extension, relocation or other alteration, in whole or in part, of a highway under the jurisdiction of a county council, or highway commission, such plan or agreement shall not be adopted or approved by the council of any city, town or village, or by the Board, until such county council or highway commission, as the case may be, has had an opportunity of being heard by counsel or agent after due notice. R.S.O. 1927, c. 236, s. 11.

Approval of
council
required.

12.—(1) No highway shall be established, laid out, widened, altered, diverted, stopped up or closed in any urban zone or joint urban zone, except with the approval of the council of each municipality in which the said highway or any part of it is situated, and of the council of any city, town or village, which such urban zone or joint urban zone adjoins, or of the Board. R.S.O. 1927, c. 236, s. 12.

Consent to
laying out
highway.

(2) Where the highway is situate in the urban zone or joint urban zone of a city having a population of not less than 200,000, it shall only be necessary to obtain the approval of the council of such city and of the council of the municipality in which such highway is situate, or of the Board. 1930, c. 21, s. 14.

Town
planning
commission.

13.—(1) The council of a city, town or village may appoint a commission, to be known as "The Town Planning Commission of

of " (city, town or village, as the case may be).

How com-
posed.

(2) Such commission shall be a body corporate and shall consist of the head of the municipality and six persons, being ratepayers, appointed by the council.

Term of
office of
members.

(3) The members of such commission, except the head of the municipality, shall hold office for three years, or until their successors have been appointed; provided that on the first appointment of the members of such commission, the council shall designate two of such members who shall hold office for one year, two who shall hold office for two years, and two who shall hold office for three years.

Reappoint-
ment.

(4) Any member of the commission shall be eligible for re-appointment.

Powers.

(5) The commission of any city, town or village, upon its appointment, shall have and exercise all the powers and discharge all the duties by this Act vested in and exercisable by the council of such city, town or village.

(6) The commission shall elect a chairman who shall pre-^{Chairman.}side at all meetings of the commission.

(7) Four of the members of the commission present at any ^{Quorum.}meeting shall constitute a quorum.

(8) The clerk, engineer, and other officers of the city, town ^{Duties of}or village shall, at the request of the commission, do and per-^{municipal}form all such duties under this Act, as they, or any of them, ^{officers.}would do and perform for the council of such city, town or village in the like case, if such commission had not been appointed.

(9) The commission shall, on or before the 1st day of ^{Estimates}March, submit to the council estimates of its expenditures for ^{of expendi-}the current year, and the council may cut down and reduce ^{ture.}such estimates as may be deemed proper. R.S.O. 1927, c. 236, s. 13.

14. The rules of practice and procedure adopted by the Board ^{Practice}shall apply to applications under this Act, and all persons and ^{and pro-}municipal corporations shall be entitled to be heard, and may ^{cedure.}be represented by council or agent at the hearing. R.S.O. 1927, c. 236, s. 14.
